

Dear Commissioners of the Federal Communications Commission:

*** I rite this let\$er axing that yew implementation bet%er cap
shunning. ***

If you have difficulty reading the above “caption,” then you can
better understand the frustration that many deaf and hard of hearing
people experience on a daily basis.

Section 713 of the Communications Act and subsequent regulations and
rulings made thereunder demonstrate that the Federal Communications
Commission understands the importance of captioning to a significant
segment of the American population – 26,000,000 deaf and hard of
hearing people. Captions also benefit many other people including
but not limited to: persons with learning disabilities or other
language based challenges; persons overcoming illiteracy; and
persons who are learning English as a second language.

Clearly, these benefits are rendered moot if the captioning is
inaccurate, misspelled, garbled, or absent. It is imperative that
the FCC continues to maintain clear guidelines that enforce the
mandate of Section 713, and implement enforcement protocols that
bring immediate relief to problems that arise. In addition, I
support the petition submitted by the National Association of the
Deaf, the Telecommunications for the Deaf, the Self Help for Hard of
Hearing People, the Association of Late Deafened Adults, and the
Deaf and Hard of Hearing Consumer Advocacy Network.

*** This show is captioned for yo\$& b*n88t a*d i# i@ @cco%nce wi)!
FCC standards. ***

Quality captions are absolutely necessary if the captions are to be
of any benefit. Inaccurate captioning is equivalent to no
captioning. It is difficult enough to read captions that appear on a
television show or the news at the speed that they appear and
disappear. A viewer is already challenged when required to read
complete and accurate captions quickly. But when a viewer also has
to decipher misspelled or garbled captions or guess at missing or
inaccurate captions at a quick pace in order to catch the next line,

the captioning fails its purpose.

The FCC needs to set benchmark standards for accuracy and completeness in all shows advertised as being captioned. Video programming distributors and providers should not receive credit for shows that contain substandard captions. Shows that contain substandard captions should be characterized as not captioned and should therefore invoke penalties especially when disqualification of such shows bring distributors or providers under the specific mandates for percentage of shows captioned pursuant to Section 713 of the Communications Act.

*** One's mall is a step foreman, one's giant sleep for man's kindness. ***

Stories are not just a beginning and an end. Stories are a journey from beginning to end, and can only make sense if the whole story is told. The story could come in many forms: a movie, a television series, a novella, a live newscast, or an interview. No one can follow or appreciate a story that has gaps in it. Imagine watching all of the episodes of "Dallas" but not being able to watch the episode where you learn who shot J.R. Ewing because the show's captions were missing or garbled. Or watching Neil Armstrong landing on the moon and the news announcer broadcasts Armstrong's words as "One's mall is a step foreman, one's giant sleep for man's kindness."

At first glance, missing part of a story or misunderstanding a story might not appear to be critically important. However, real stories are often crucial news and fictional stories frequently become tomorrow's water cooler conversations. The FCC is the sole means by which those stories – real or not – are available in an understandable format to 26 million deaf and hard of hearing people as well as millions of others.

The FCC needs to implement continuous monitoring efforts that track the level of captioning provided by each video programming distributor and provider. Consumers' reporting of non-compliance should be encouraged through easy to use forums such as an instant complaint site on the FCC website as well as a dedicated TTY line

and a dedicated email address. In order to keep consumers involved, however, consumers require a response within a reasonable period of time. There is nothing more frustrating than a consumer reporting to the FCC that a television program was not properly captioned, only for the FCC to tell the consumer a year later that he or she is right. A consumer already knows the television program does not have appropriate captions, and simply wants the captions to be fixed. Waiting a year or longer to be told that the captions were indeed inaccurate or missing will only discourage further reporting. Immediate responses and remedies are crucial to continued consumer reporting.

However, consumer reporting should not be the sole means by which captioning compliance is enforced. Consumer reporting will be haphazard primarily due to the fact that captioning is not 100% required for all video programming across the board at this time or at any time in the near future. Consumers will be unsure whether a specific video program is required to be captioned as they will not have access to data that will guide them on whether the specific program is needed for a distributor or provider to comply with a 75% captioning mandate for programming shown prior to the onset of captioning requirements. Therefore the FCC is in the unique position of ensuring continuous monitoring of all video programming through various means including but not limited to:

- o Requiring distributors and providers to monitor their own programming much in the same way that it monitors their own sound quality and ensuring that prohibited language or conduct are not aired;
- o Direct monitoring of captioning by FCC staff, or in the alternative, auditing the captioning of distributors and providers with FCC staff;
- o Direct monitoring of captioning or auditing of same through independent organizations funded by the FCC.

Moreover, whenever an episode or show is not aired with complete and accurate captions, then the FCC should explore a means for this show to be repeated in some fashion with accurate captions. For many people, a story can only be followed if every episode is properly aired. Missing an episode ruins the story and makes it difficult if

not impossible to follow the storyline.

*** Cap shuns can own lea bee as good as the caps honests are. ***

Live captioning are required during newsworthy events such as a Presidential conference or State of the Union address; news reports on an ongoing incident; closings of schools due to snow days; and weather reports. Often these newsworthy events contain critical knowledge that need to be imparted to as many of the general population as possible. While technical glitches can cause the garbling or corruption of pre-recorded captions, the accuracy of live captioning is entirely dependent on the quality of the professionals hired to perform the captioning.

These captionists vary greatly in skill, quality, and price. Invariably, you get what you pay for, and captions are no different. If distributors and providers seek to cut costs, then the quality of the captions will suffer. Consequently, it is essential that the FCC impose significant penalties on distributors and providers to serve as a deterrent against any belief that the quality of captions can be sacrificed to save costs. This is important because reducing the quality of the captions will eviscerate their purpose.

*** Her cane cat reena will go threw new or lean, wrest idents are urges to leaf. ***

Imagine not being able to hear the radio and being dependent on your television for weather warnings and instructions on what to do in the event of inclement weather or a terrorist attack. Deaf residents of Louisiana, Alabama, Mississippi, and Florida were completely dependent on live captioning on television news to learn of evacuation plans during this record hurricane season. Deaf residents of the Midwest are often dependent on live captioning to learn of tornado warnings. Deaf residents of California also depend on live captioning to know what steps they must take when earthquakes occur. Deaf people across this country woke up to the horror of 9/11 and searched frantically for practically non-existent live captioning explaining what was happening with airplane attacks on the World Trade Center and the Pentagon.

Whether the captions contain life-saving information or not, captions serve as a lifeline to information for the deaf and hard of hearing population in this country. The FCC has acknowledged this important fact in enforcing Section 713 of the Communications Act. Implementing rules to ensure that video programming distributors and providers provide complete and accurate captions reinforces the goal and purpose of Section 713. Anything less would defeat the purpose of captions.

Thank you for your consideration of my letter as well as the above-mentioned petition of various organizations representing the deaf and hard of hearing community.

Sincerely,

Howard A. Rosenblum, Esq.
Chicago, Illinois